

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
October 2, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 2, 2009 from 12:00 noon until 3:00 p.m.

1. Members present. Mary Beth Bonaventura, Vicki L. Carmichael, Gary K. Chavers, Glenn D. Commons, Deborah A. Domine, A. Christopher Lee, Marilyn A. Moores, Lori K. Morgan, Peter J. Nemeth, G. George Pancol, Loretta H. Rush, Chair
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown and Jane Seigel provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on June 5, 2009 were approved.
4. Guests present. James Payne, Director, Jason McManus, and John Ryan, Department of Child Services (DCS) were also present.
5. Out-of-state placements. Committee members discussed HEA 1001, Special Session, 2009, which requires the DCS Director to approve payment for all out-of-state placements of juveniles. This legislation was amended into the budget bill with no notice and no public testimony. Judge Bonaventura moved to seek legislative support for repeal Section 387, paragraph (f) of HEA 1001, Special Session, which requires the approval of the DCS Director for payment for the out-of-state placements of juveniles, and the repeal should be effective upon passage. Judge Moores seconded the motion. The motion was passed unanimously.
6. Regional Service Council Plans. Committee members discussed the recent public hearings conducted for the development of regional service council budgets. They were concerned about the lack of public comment and agreed to recommend: (1) the draft plan should be made available for comment; (2) judges be permitted to submit comments in writing if they were unable to attend the public hearing; (3) the survey conducted by regional managers should be anonymous; and (4) notice of the public hearing should be sent to each regional service council member. Committee members agreed probation should weigh in for needed services.
Judge Bonaventura moved legislation be amended to include a statutory position for a probation officer on the regional services council in addition to the judge. Judge Nemeth seconded the motion. The motion was passed.
7. Mental health assessment for juveniles in detention. James Payne, Director, indicated the Department of Child Services was paying for mental health assessments for juveniles in detention. They were also reviewing requests for assessment to make sure they were being requested in appropriate circumstances. Jason McManus agreed to forward a final draft of this procedure to the committee.
8. CWIC/CIP. Judge Bonaventura, new chair, Child Welfare Improvement Committee, reported the Court Improvement Program recently granted \$272,000 to various applicants. She

also reported scholarship monies are available to judicial officers to attend juvenile educational programs.

9. Suspension of Medicaid for juveniles in detention. Magistrate Domine gave a report on the new law permitting the Division of Family Resources (DFR) to suspend, rather than terminate Medicaid for juveniles in detention. She distributed a half sheet describing when a court must notify the DFR the juvenile has entered detention, and the fax sheet to send them a copy of the order. She also said she has asked probation to send a notice when the juvenile is released from detention.

10. Statewide JDAI expansion.

a. Jeffrey Bercovitz distributed a printout of the website containing the grant applications from the Indiana Criminal Justice Institute about application of monies for the Juvenile Detention Alternatives Initiative (JDAI) on a statewide basis.

b. Judge Moores, on behalf of Marion County which already participates in JDAI, offered assistance to any county applying to the Indiana Criminal Justice Institutes for individual grants.

11. Presentation by James Payne, Director, DCS. James Payne, Director, Department of Child Services:

a. Agreed to have Jason McManus send over a final draft assessment for juveniles in detention for review by the committee. He said he will continue to pay for the assessments so long as it is not abused.

b. Explained the regional service plans include a budget submitted to the central office for review. He stated the regional service councils would give local priorities to the central office. He agreed judicial officers could attend the regional service council meetings and comment there on a draft plan. In addition, judges could respond anonymously to the surveys distributed by the regional managers. He reported on attendance at the public hearings on the plan at regional service council meetings.

c. Distributed a report on juvenile commitments to the Indiana Department of Correction and noted no particular increases since HEA 1001 took effect. Judge Rush requested that diagnostic admissions should be indicated separately from all other admissions.

d. Explained the DCS philosophy on out-of-state commitments is to a practice model which keeps children close to home. He said states are trying to reduce these commitments. When Indiana tax monies are sent out-of-state to pay for these commitments, it is prevented from being spent in state seven (7) times. It is best to treat juveniles close to home.

John Ryan, reported DCS was examining rates of all juvenile service providers, whether in state or out-of-state. He said out-of-state provider's per diem rates are lower. He also noted there was a cost to sending family case managers out-of-state to visit and the managers are out-of-service for two (2) days.

Judge Carmichael said it is closer to use Louisville than in-state providers. Judge Moores said there were not good services for children if parental rights have been terminated. Judge Nemeth said Indiana providers needed to be inspected and audited. John Ryan reported there is a contract unit at DCS with an audit function.

e. Magistrate Commons asked about a protocol for an appeal procedure for adoption subsidy. He reported adoption cases have to be continued 1, 2 and 3 times because the subsidy process is not competed. James Payne said adoptions are reviewed on a monthly basis. John Ryan said there is a process, which works better in some counties than others. James Payne said Indiana has the 4th highest foster care per diem and 4th highest adoption subsidy in the country. He also said

Indiana has a list of post adoption services available which includes respite care. John Ryan stated he did not know if there was a procedure to appeal a DCS determination as to an adoption subsidy.

f. Judge Rush would like to continue collaboration with DCS. James Payne asked for appointment of a subcommittee to discuss out-of-state placement issues. Judge Moores, Judge Nemeth, Judge Carmichael and Judge Bonaventura volunteered for this committee which Judge Bonaventura agreed to lead.

12. Next meeting.

a. Committee members agreed to (1) review the notice which must be sent to schools when a child commits a delinquent act; (2) review whether a DCS caseworker can waive the rights of a child if they are a ward of DCS and being questioned; (3) get more information about the Judicial Center's risk assessment program; (4) bring in nonconcurrence language at the next meeting; and (5) receive an update from the out-of-state placement subcommittee.

b. Committee members agreed to meet again on the following date: November 6, 2009. Jeffrey Bercovitz proposed the following dates: January 8, February 5, March 5, May 7, June 4 and October 1, 2010, all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services